

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

UNITED STATES OF AMERICA

VS.

CRIMINAL NO. 5:08-cr-9(DCB)(LRA)

MARK A. NECAISE

DEFENDANT

ORDER

This cause is before the Court on the defendant Mark A. Necaise's Motion for Relief from Judgment Under F.R.C.P. 60(b) (**docket entry 17**). The motion seeks relief from an Order and Final Judgment filed April 5, 2011, denying Necaise's petition pursuant to 28 U.S.C. § 2255, in criminal case no. 5:07-cr-27(DCB)(LRA). An identical motion has been filed in criminal case no. 5:07-cr-27(DCB)(LRA). The motion filed in this cause (5:08-cr-9(DCB)(LRA)) was obviously filed by mistake. Since the identical motion has already been filed in cause no. 5:07-cr-27, there is no need to re-file the present motion and it shall be denied as moot.

Accordingly,

IT IS HEREBY ORDERED that the defendant Mark A. Necaise's Motion for Relief from Judgment Under F.R.C.P. 60(b) (**docket entry 17**), which was mistakenly filed in this cause, is DENIED AS MOOT.

SO ORDERED, this the 20th day of August, 2014.

/s/ David Bramlette
UNITED STATES DISTRICT JUDGE